



Board of Zoning Appeals – Meeting Minutes

Wednesday, March 8, 2023 | G.A.R. Room of the Miami County Courthouse

Board of Zoning Appeals President, Jamie Hopper, calls the BZA meeting to order at 7:07 pm.

Roll call of board members – Corey Roser

- **Randy Hileman** – *Present*
- **Brent Pomerhn** – *Present*
- **Sue Ellen Sophor** – *Present*
- **Grant Cade** – *Present*
- **Jamie Hopper** – *Present*

Jamie Hopper calls for approval of previous meeting minutes from February

- Randy Hileman motions, Sue Ellen Sophor 2nds, all “Aye” --> February meeting minutes approved

Jamie Hopper introduces **VAR#23-23 – Mark Elrod | 3037 N 550 E, Peru, IN 46970**

- Mark Elrod (owner) seeking a “*Variance from Developmental Standards*” to build a dwelling on a 5.0-acre parcel of A-1 zoned land in Erie Township
- Corey Roser presents staff report, affidavit of publication, zoning maps, parcel report card, picture of site, site plan, adjacent neighbor letter, etc.
 - Staff report notes that there is an active violation out on the property and Mr. Elrod for the copious amounts of debris/trash/salvage collection on the property, but Mr. Elrod is working with PC Office & Zoning Administrator to develop a plan to get the property under control and cleaned up.
- Mark Elrod shared about the variance, including:
 - He plans to re-build a house in the same spot as where his previous one stood before it was burnt in a fire
 - He is doing everything he has to to be in compliance with the County
- Jamie Hopper calls for any public comment on the variance
 - No public comment
- Jamie Hopper calls for vote on Finding-of-Facts ballot for variance from board members
 - Attorney Steve Downs tallies Findings and votes from board members
 - After review and discussion, on motion duly made and seconded, the proposed supplemental findings were adopted unanimously
- VAR#23-23 granted



Jamie Hopper introduces **VAR#26-23 – John Hilgeman (Sheepdog Firearms Supply) | 4049 W 100 N, Peru, IN 46970**

- John Hilgeman (owner) seeking a “*Use Variance*” to allow a bait and gun shop to operate on 16.04 acres of A-2 zoned land in Peru Township
- Corey Roser presents staff report, affidavit of publication, zoning maps, parcel report card, picture of site, site plan, adjacent neighbor letter, etc.
 - Staff report included the following concerns/questions from the Zoning Administrator:
 - Where will loading and unloading zones be?
 - How much foot traffic is expected on a regular basis?
 - Where & how much parking will be installed?
 - Will a shooting/gun range be put in on the property?
 - If shooting/gun range will be put in, a SEPARATE, additional variance would be needed
 - Nick Musser, Representative of the Bruce & Debra Musser Trust submitted written communication voicing his direct opposition to the variance and operation of the proposed business
- John Hilgeman (owner) shared about variance, including:
 - Shop to operate out of existing 5,280 sq. ft. accessory building on property that was once used as a business for lawn mower sales/repair and metal work
 - 10 +/- customers expected on a regular, daily, basis
 - 1.5 acres already dedicated for parking which will allow 15+ cars to park at a time
 - No plans for gun range (indoor or outdoor) to be included in the business
 - Does have a personal range on property that he shoots at, but not for public use
- Brent Pomerhn asked if all proper ATF permits and requirements had been filed/followed
 - John stated that everything was filed except one requirement that hinged on the variance being passed
- Attorney Steve Downs asked if any FAA regulations would be impeded upon if variance was issued
 - Corey Roser stated that he had been in contact with Jim Clary from the Peru Board of Aviation Commissioners about FAA regulations, but they were not able to state if any regulations would be impeded upon until their meeting on March 13, 2023
- Jamie Hopper calls for vote on Finding-of-Facts ballot for variance from board members
 - Attorney Steve Downs tallies Findings and votes from board members
 - After review and discussion, on motion duly made and seconded, the proposed supplemental findings were adopted at a vote of 4 in favor, 1 against
- VAR#26-23 granted



Jamie Hopper introduces **VAR#27-23 – Joe Deardorff | 55 E Place Lane, Denver, IN 46926**

- Joe Deardorff (owner) seeking a “*Variance from the Subdivision Control Ordinance*” to allow a 0.5-acre tract of land to be split off of a 3.647-acre parcel of A-2 zoned land in Jefferson Township
- Corey Roser presents staff report, affidavit of publication, zoning maps, parcel report card, picture of site, site plan, adjacent neighbor letter, etc.
- Joe Deardorff (owner) shared about variance, including:
 - Want to split existing house off of tillable land
 - Would like to develop tillable ground in future to allow some sort of housing development and/or units
- Comments from the public on the variance included:
 - Debbie Merrix (2702 N 100 W, Peru, IN 46970)
 - Wanted to make sure it was only the 0.5 acre being split off with the house
 - Jamie Hopper confirmed it was only the 0.5 acre being split off
- Jamie Hopper calls for vote on Finding-of-Facts ballot for variance from board members
 - Attorney Steve Downs tallies Findings and votes from board members
 - After review and discussion, on motion duly made and seconded, the proposed supplemental findings were adopted unanimously
- VAR#27-23 granted

Jamie Hopper introduces **VAR#28-23 – Opossum Hallow LLC c/o Heather & Kayla Endsley | 4272 S Strawtown Pike, Peru, IN 46970**

- Heather & Kayla (owners) seeking a “*Use Variance*” to allow the placement of two Tourist Homes on a 1.01-acre parcel of A-1 zoned land in Washington Township
- Corey Roser presents staff report, letter of intent, affidavit of publication, zoning maps, parcel report card, picture of site, site plan, adjacent neighbor letter, etc.
- Kayla Endsley (owner) shared about variance, including:
 - Everything submitted in Letter of Intent was still true and outlined the project
 - Square footage of two-story Homestead blueprints for home changed from 784 sq. ft. on the original blueprints to 600 sq. ft.
- Comments from the public on the variance included:
 - Christine Ebert (4244 S Strawtown Pike, Peru, IN 46970) – *Adjacent Land Owner*
 - Felt variance approval would change the rights to her property in a negative way including trash, noise, traffic signs, etc.
 - Question on the need for 1 acre of land needed for 1 septic system, what about the land requirements for septic for two houses?
 - Shared that the property is prone to flooding
 - The operation of the business would “*break the quiet of the country and place.*”
 - She is concerned about the potential for accidents that could occur as people pull in and out of the driveway with a bridge being so close
 - In rebuttal, Heather Endsley shared:
 - This would be a couples retreat spot



- “Adults Only” event venue so no misbehavior should occur
 - They had received a blessing from a neighbor to the North who was very excited about the business coming to the area
- Likewise, in rebuttal, Kayla Endsley shared:
 - They had no plans to add signs to the place that would block or impede vision
 - Their septic plan was approved with the Miami County Environmental Health Department and was designed for a 2-house system
- Questions/concerns from board members included:
 - Randy Hileman –
 - Very concerned about the traffic pulling out of the driveway and the vision clearance. He knows that is a hard area to see and many accidents occur in that area
 - He advised the Endsleys to reach out to and have Highway Superintendent, Kerry Worl, visit the site to place warning signs and get recommendations on the placement of driveway
 - Sue Ellen Sopher -
 - Asked Corey Roser, “If septic system should fail, what would be recourse?”
 - Kayla Endsley stated they would be putting in a sand-line system and that should the system fail, for whatever reason, or they have a fire, that new lines could be put back in the same exact spot without any trouble
- Jamie Hopper calls for vote on Finding-of-Facts ballot for variance from board members
 - Attorney Steve Downs tallies Findings and votes from board members
 - After review and discussion, on motion duly made and seconded, the proposed supplemental findings were adopted unanimously
- VAR#28-23 granted

Jamie Hopper introduces **SPEX03-23 – Heather’s Haven c/o Greg Endsley | 4175 S U.S. 31, Peru, IN 46970**

- Greg Endsley (owner) seeking a “*Special Exception*” to allow the placement and use of a Campground on a 12.15-acre parcel of B-3 zoned land in Pipe Creek Township
- Corey Roser presents staff report, letter of intent, affidavit of publication, zoning maps, parcel report card, picture of site, site plan, adjacent neighbor letter, etc.
 - Staff report included the following concerns/questions from the Zoning Administrator
 - Should the Special Exception be approved, permits for meter bases would still need to be pulled by Mr. Endsley or by property manager Nick Couchman, and/or their electrician
 - Samuel Segura (2833 W 400 S, Peru, IN 46970) submitted written communication voicing his direct opposition to the variance and operation of the proposed campground
- Greg Endsley (owner) shared about special exception, including:



- That he plans to operate this campground only on a short-term basis to house the construction workers putting in the new gas line running through the County
- That the site would only allow 13 campers and that all spots were currently filled. No plan to expand campsite numbers at all
- Comments from the public on the variance included:
 - Gary Larson (2925 W 400 S, Peru, IN 46970) – *Adjacent Land Owner*
 - Questioned if all 12.15 acres would be used for the operation of campground
 - Stated that rain and water travels across his yard, from the parcel in question. He does not want to have to pick up trash/debris from campground that washes on his land
 - Florence McKinley (2955 W 400 S, Peru, IN 46970) – *Adjacent Land Owner*
 - Questioned why Mr. Endsley could have access to U.S. Highway 31 if other properties in the area could not
- Following public comment, Attorney Steve Downs asked Zoning Administrator, Corey Roser, if the variance was supposed to be for the entire 12.15-acres, as Mr. Endsley was noted to say 2.0 acres repeatedly
 - Corey Roser was under the impression it was for the entire 12.15-acres
 - Mr. Endsley corrected that it was only in-fact for 2.0 acres
- Likewise, Attorney Steve Downs, reminded board members that a special exception was just granted in prior months for a similar case. That case put restrictions on the number of months and years that the campground could operate. Should they want to, the Board could impose a similar timeframe or not; that decision was up to the Board
- Jamie Hopper asks Mr. Endsley the expected timeframe and duration of the project to allow camper to stay on the site
 - Mr. Endsley stated that he could not foresee having campers on the site for more than a year at most
- Randy Hileman motions to limit the Special Exception application to 12-months and 13 available campsites from the date of passage of the special Exception
 - Grant Cade 2nds motion, all “Aye” ---> special exception limits and motion passed
- Jamie Hopper calls for vote on Finding-of-Facts ballot for variance from board members
 - Attorney Steve Downs tallies Findings and votes from board members
 - After review and discussion, on motion duly made and seconded, the proposed supplemental findings were adopted unanimously
- SPEX03-23 granted



Jamie Hopper introduces **VAR#30-23 – Davidson Tractor Salvage, LLC c/o Daniel Davidson | 5567 E 1400 N, Roann, IN 46974**

- Daniel Davidson (business owner) seeking a “Use Variance” to allow a salvage business to operate on a 40.00-acre parcel of A-1 zoned land in Perry Township
- Corey Roser presents staff report, letter of intent, affidavit of publication, zoning maps, parcel report card, picture of site, site plan, adjacent neighbor letter, etc.
 - Staff report included the following concerns/questions from the Zoning Administrator:
 - Per Indiana Secretary of State, business was dissolved on 6/5/22
 - Per IDHS & State Fire Marshal, business needs to file for a Rule #13 for Change of Occupancy. Additionally, building will need to meet all building & fire code for Class 1 Structures & Group B Occupancy
 - Concern over potential accumulation and management of debris/trash
 - What the size and scope of business, in terms of growth, for future years would be
 - The current land owner is Harley Greene. Does Mr. Davidson have any plans to purchase the land from Mr. Greene?
 - What are the potential environmental effects of this business in terms of chemicals, oil, hazardous materials leaking out on the ground? How will these wastes be contained and disposed of? On what frequent basis will they be disposed? Has a storm water permit and plan been filed with IDEM?
 - Will loading & unloading zones be needed?
 - Will employee and customer parking be needed? If so, where will it go & what size?
 - Should a fence be required to hide the various states of dismantle that equipment will be in?
 - Should the variance request fail, what is Mr. Davidson's alternative plan for the business?
 - Darren Ransbottom (13824 N 600 E, Roann, IN 46974) submitted written communication voicing his direct opposition to the variance and operation of the salvage company
- Following the staff report, Daniel Davidson (business owner) shared about variance, including:
 - Not a lot of oil is collected in the business, what is collected is burned off
 - No stormwater permits or plan has been filed with IDEM
- Mr. Davidson questioned Corey Roser on the statement that his business had be dissolved
 - Corey Roser presents a certified copy of a Certificate of Administrative Dissolution from the Indiana Office of the Secretary of State stating business had been dissolved as of 6/5/22
 - Mr. Davidson stated he files with the State every year for his business



- Upon further review, Attorney Steve Downs, confirms the certificate is valid and the business is not a legal entity
 - Advises Mr. Davidson that he must file with the Secretary of State's office every year
- Attorney Steve Downs advises Board that they should not be hearing, nor granting variance requests to applicants that are not legal business entities with the State of Indiana
 - Randy Hileman motions to dismiss variance request until business has file all proper paperwork with the Secretary of State to become a legal business entity, obtain an approved stormwater permit with IDEM, and all building regulations & fire prevention code was met with the IDHs, State Fire Marshal, & County Plan Commission
 - Grant Cade 2nds motion, all "Aye" ---> motion passes

Jamie Hopper calls for public comment

- No public comment

Jamie Hopper calls for motion to adjourn meeting

- Randy Hileman motions, Sue Ellen Sopher 2nds motion, all "Aye" ---> motion passes
 - Meeting adjourned at 8:11 pm


Representative of Miami County BZA

President
Title

5-10-23
Date

Jamie M Hopper
Printed Name